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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,109	09/04/2001	Denis Babin	043931-0138	1733

22428 7590 09/04/2003

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EXAMINER

HEITBRINK, TIMOTHY W

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/944,109

Applicant(s)

BABIN, DENIS

Examiner

Tim Heitbrink

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 and 35-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 35-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-6, 11, 17-22, 27, 33, 35-38, 43-49 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/46108 .

WO 99/46108 discloses an injection molding apparatus for forming articles having a hole comprising at least one mold cavity formed between a cavity plate 3 and an adjacent core having a core sleeve 21, at least one injection molding nozzle 10 having an annular gate communicating with said mold cavity, said annular gate having a cross-section that is wider than the cross-section of a melt channel 11 extending through the nozzle, a valve pin 4 disposed interior of the nozzle movable between an open and closed position.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10, 12-15, 23-26, 28-31 and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/46108.

While WO 99/46108 does not shape the gate to have an oval, square, rectangular or otherwise irregular cross-section, such a change in shape would have

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been obvious in light of *In re Dailey et al*, 149 USPQ 47 where a change in shape not effecting the operation of a device is considered within the skill of the ordinary artisan.

Claims 16, 32 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/46108 as applied to claims 1-15, 17-31, 33, 35-49 above, and further in view of Bauer.

While WO 99/46108 does not disclose a removable nozzle seal, Bauer discloses a removable nozzle seal 74,76 for the purpose of guiding valve 86.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a removable seal on the nozzle of WO 99/46108 in order to guide the valve as suggested by Bauer.

Claims 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/46108 as applied to claims 1-15, 17-31, 33, 35-49 above, and further in view of Gellert.

While WO 99/46108 does not disclose multiple nozzles associated with a plurality of cavities, Gellert discloses such an arrangement to be conventional. The cavities being closed simultaneously by valve pins 18.

Claims 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 99/46108 in view of Gellert as applied to claims 51-55 above, and further in view of Bauer.

While WO 99/46108 (as modified by Gellert) does not disclose a removable nozzle seal, Bauer discloses a removable nozzle seal 74,76 for the purpose of guiding valve 86.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a removable seal on the nozzle of Asai in order to guide the valve as suggested by Bauer.

Applicant's arguments filed June 19, 2003 have been fully considered but they are not persuasive. Applicant argues the prior art fails to disclose a nozzle having a mold gate larger in cross-section than the nozzle melt channel. However, this limitation can be found in the WO 99/46108 reference as being conventional.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Heitbrink whose telephone number is 703-308-3789. The examiner can normally be reached on Tuesday-Friday 5:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Tim Heitbrink  
Primary Examiner  
Art Unit 1722

8-29-03

twh